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5 RASHAD LAMAR KING,
6 Plaintiff,
7 v.
8 E. MACAY, et al.,
9 Defendants.

10 Case No. [21-cv-08309-DMR](#) (PR)
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**ORDER DENYING PLAINTIFF'S
MOTION FOR INTRA-DISTRICT
VENUE TRANSFER**

12 Plaintiff, a state prisoner, has filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983
13 as well as a motion for leave to proceed *in forma pauperis* ("IFP"). He has consented to
14 magistrate judge jurisdiction. Dkt. 6.

15 Plaintiff's motion for leave to proceed IFP will be granted in a separate written Order.

16 Before the court is Plaintiff's motion for an intra-district venue transfer in this action,
17 presumably pursuant to Northern District of California Local Rule 3-2(h). Dkt. 5. He claims that
18 the case should proceed in the San Jose Division of the Northern District of California, which has
19 "proper jurisdiction." *Id.* at 1.

20 Although Local Rule 3-2(h) generally permits intra-district venue transfers for the
21 convenience of parties and witnesses, such permission is subject to the provisions of the court's
22 Assignment Plan, which is found in General Order 44. The court's Assignment Plan prohibits an
23 intra-district venue transfer in this case. *See* N. D. Cal. Gen. Order 44. Specifically, the court's
24 Assignment Plan requires district-wide assignment of certain cases, including prisoner cases, and
25 provides that "[t]hese cases shall not be reassigned on the basis of intra-district venue." *Id.* § D.3.

26 Accordingly, Plaintiff's motion for an intra-district venue transfer is DENIED. Dkt. 5.
27 The court will review Plaintiff's complaint in a separate written Order.
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This Order terminates Docket No. 5.

IT IS SO ORDERED.

Dated: December 9, 2021


DONNA M. RYU
United States Magistrate Judge

United States District Court
Northern District of California